

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ORDER

AND NOW, this 21st day of March, 2011, upon consideration of Defendants' Motion to Dismiss the Second Amended Complaint [Doc. No. 18], it is hereby **ORDERED** that Defendants' Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**. Count IV of Plaintiff's complaint is **DISMISSED**, as are Count II's § 1983 claims for Fourteenth Amendment violations. Counts I and III remain; Count II's § 1983 claims for First Amendment violations also remain, for the reasons set forth in the attached Memorandum opinion.

The Clerk is **DIRECTED** to mark the docket in this matter as terminating Lt. Arch in his Official Capacity.

It is so ORDERED.

BY THE COURT:

/S/ Cynthia M. Rufe
HON. CYNTHIA M. RUGE